

REMARKS

This Amendment is responsive to the Office Action mailed October 2, 2007 (hereinafter "Office Action") and is accompanied by a petition for a two-month extension of time along with an authorization to charge the required statutory fee. Claims 17-25, 28-39 were pending at the time of the Office Action. In the Office Action, claims 17, 18, 20-22, 28-32, 34-35 and 37-39 are rejected and claims 19, 23-25 and 36 are objected to as depending on a rejected base claim. By this Amendment, claims 17, 19, 23-24 and 30 are amended, claims 18, 25, 28 and 34-35 are cancelled. No new matter has been added. Review and reconsideration of the Office Action is respectfully requested in view of the amended claims and the following remarks.

Claim Amendments

Claim 17 has been amended to include the subject matter of objected claim 25.

Claim 30 has been amended to further specify that "said preparation is an oral care composition selected from the group consisting of: a toothpaste and a mouth wash." Support for this amendment can be found throughout the specification and in objected claim 23.

Objected claims 19 and 23 have been amended to include the subject matter of base claim 17. Claim 24 has been amended so that it is dependent on claim 19.

Accordingly, no new matter is added.

Rejections Under 35 U.S.C. § 102

Claims 17, 18, 20-22, 28-32 34-35 and 37-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,231,900 issued to Hanke (hereinafter "Hanke"). Hanke is drawn to a confectionery product and preparation thereof. Hanke teaches that there are significant negative interactions between cooling agents and flavoring agents, but that the negative interactions may be reduced by incorporating the cooling agent and the flavoring agent into *separate compositions* in the same product, *see Hanke*, col. 1, ln. 38-45 & claim 1. This core teaching of Hanke draws a clear distinction between cooling agents and flavoring agents. Hanke discloses cooling compositions that are free of flavouring agents and that the flavouring agents should be free of cooling agents, *see Hanke*, claim 1. Hanke also instructs that preferred

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embodiments are preferably free of flavoring agents, *see Hanke*, col. 5, ln. 46-63, or contain cooling agents and flavoring agents that are released sequentially, *see Hanke*, col. 7, ln. 49-67.

Claim 30 has been amended to specify that "said preparation is an oral care composition selected from the group consisting of: a toothpaste and a mouth wash." Applicants note that Hanke does not disclose or suggest the use of the claimed rhinologically active substances in toothpaste and mouth wash. In fact, neither of these oral care substances is mentioned anywhere in the Hanke reference. In addition, this fact is implicitly acknowledged by the fact that claim 23 has already been indicated as allowable.implicitly acknowledges.

Amended claim 30 includes a mixture of compounds of formula I (cooling agents) and flavoring agents. Amended claim 30 is neither disclosed nor suggested by Hanke because (i) the flavor agent is mixed with the compound of formula I, (ii) the preparation includes an aroma substance, (iii) the preparation is a toothpaste or a mouth wash, or (iv) a combination thereof. Accordingly, Applicants respectfully request withdrawal of the anticipation rejection based on Hanke.

Finally, Applicants respectfully submit that Hanke cannot be combined with another reference to remedy this situation because Hanke teaches away from the claimed combination. Furthermore, Hanke does not disclose or suggest using the combination of rhinologically active substances as part of a method of providing a rhinologically active flavor preparation.

Applicants believe that the amendment to claim 17 renders this rejection moot with respect to claims 17, 20-22 and 29.

Conclusion

For at least the above reasons, Applicants believe that all claims are currently in condition for allowance. Favorable consideration and early issuance of the Notice of Allowance

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Amendment E

Attorney Docket No. 3968-088

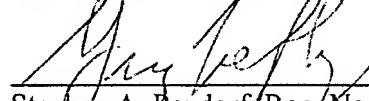
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are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

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